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FACTUAL RESUME

UNITED STATES OF AMERICA v. JEFFREY NEAL CUDDINGTON
NO. 6:16-CR-028-C – SAN ANGELO DIVISION - NORTHERN DISTRICT OF TEXAS

INDICTMENT: TO BE ARRAIGNED ON COUNT ONE OF INDICTMENT 6:16-CR-028-C-
Charging a violation of 18 U.S.C. §§ 2252(a)(2) and 2, that is, Receipt and Distribution of Visual Depictions of Minors Engaging in Sexually Explicit Conduct, and Aiding and Abetting.

MAXIMUM PENALTY: A term of imprisonment of not less than five years, nor more than twenty years, a fine of not more than $250,000.00, or both. A term of supervised release of up to life must follow any term of imprisonment. If Cuddington violates the conditions of supervised release, he could be imprisoned and subject to additional terms of supervised release and imprisonment as determined by the Court in accordance with law.

MANDATORY SPECIAL ASSESSMENT: $100.00. And if the Court finds the defendant is not indigent, an additional mandatory special assessment of $5,000 must be imposed pursuant to 18 U.S.C. § 3014

PLEA AGREEMENT: As set forth in the Plea Agreement letter attached hereto and incorporated herein.

ELEMENTS OF THE OFFENSE:

18 U.S.C. § 2252(a)(2). Receipt and Distribution of a Visual Depiction of a Minor Engaging in Sexually Explicit Conduct:

Defendant Jeffrey Neal Cuddington:

1. Knowingly received or distributed a visual depiction, as alleged in the indictment, using any means or facility of interstate or foreign commerce;

2. The production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

3. The visual depiction was of a minor engaged in sexually explicit conduct; and

4. The defendant knew that the visual depiction was of sexually explicit conduct and that at least one of the persons engaged in sexually explicit conduct in the visual depiction was a minor.

A "minor" is any person under the age of eighteen years.

"Sexually explicit conduct" means:

(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
(B) bestiality;
(C) masturbation;
(D) sadistic or masochistic abuse; or
(E) lascivious exhibition of the genitals or pubic area of any person.

FACTS: While living in San Angelo, Texas, in the Northern District of Texas, Jeffrey Neal Cuddington owned a Seagate 160GB 2.5" hard disk drive, serial number 5MA1PN8P, contained in an iMicro external enclosure, a Thor tower computer which contained an Intel SSD 520 Series, 240GB internal storage drive, serial number CVCV303605AZ240CGN, a Dell laptop computer containing a Western Digital WD3200BEVT-75ZCT2 320GB internal hard disk drive, serial number WXE309E73334; and a PNY Attaché 4GB thumb drive. Cuddington kept these devices at his residence where he used his computers to connected to the Internet. Cuddington used his computers to, among other things, search on the Internet for images and videos depicting minors engaged in sexually explicit conduct, and used the storage devices to save the images that he downloaded from the Internet. Cuddington also distributed some of the sexually explicit depictions of minors to other persons by way of the Internet.

On or about October 11, 2012, Cuddington knowingly distributed three images and knowingly received one image, all of which depict minors engaged in sexually explicit conduct. The images were distributed and received using a means and facility of interstate and foreign commerce.

The image titled "- 7 yrs sex with dada.jpg" was distributed by Cuddington. It depicts a prepubescent female child under the age of 18 years engaged in lascivious exhibition of her genitals and pubic area, as well as the lascivious exhibition of the genitals and pubic area of an adult male.

The image titled "pthc (89).jpg" was distributed by Cuddington. It depicts a prepubescent female child under the age of 18 years engaged in oral-genital sexual intercourse with an adult male.

The image titled "pictures from ranchi torpedo dloaded in 2009-pedo kdv kidzilla pthc toddlers 0yo 1yo 2yo 3yo 4yo 5yo 6yo 9yo tara baby ((2).jpg" was distributed by Cuddington. It depicts a prepubescent female child under the age of 18 years engaged in oral-genital sexual intercourse with an adult male.

The image titled "2011 Pthc Falko AWESOME 7yo and 8yo Child Porn (114)" was received by Cuddington. It depicts a prepubescent female child under the age of 18 years engaged in lascivious exhibition of her genitals and pubic area, as well as the lascivious exhibition of the genitals and pubic area of an adult male.

At the time Cuddington distributed and received the images referenced above and in the indictment, he knew that at least one of the performers in each image was a minor and he knew that each visual depiction was of a minor engaged in sexually explicit conduct.

The above facts are true and correct:

JEFFREY NEAL CUDDINGTON
Defendant

28 Nov 16
Date

Christopher W. Lewis
Attorney for Defendant

11/30/2016
Date